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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,074	03/19/2001	Henry A. Lester	A-59891-2/RFT/JJD	8989

7590 10/02/2002  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, CA 94111-4187

EXAMINER

PAK, MICHAEL D

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Serial No. 09/812,074

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Brief description of drawings for figure 5 discloses sequences which is not identified by SEQ ID NO:.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

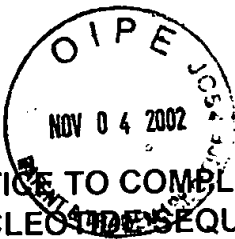
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Hutzell, can be reached on (703) 308-4310.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Michael D. Pak*  
Michael Pak  
Patent Examiner  
Art Unit 1646  
16 June 1999



Application No.: 09/812,074

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Brief description of drawings for figure 5 discloses sequences which is not identified by SEQ ID NO:.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

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PATENT  
Attorney Docket No. A-59891-2/RFT/JJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LESTER, et al.

Serial No. 09/812,074

Filed: March 19, 2001

For: DNA ENCODING INWARD  
RECTIFIER, G-PROTEIN  
ACTIVATED, MAMMALIAN,  
POTASSIUM KGA CHANNEL AND  
USES THEREOF

Examiner: Unknown

Group Art Unit: 1645

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231 on:

Date: Oct. 24, 2001

Signed: Monica Carlos  
Monica Carlos

REQUEST TO USE COMPUTER READABLE FORM OF SEQUENCE LISTING  
FROM THE PARENT APPLICATION

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

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This request is in response to the Notice to File Missing Parts of Nonprovisional Application mailed May 24, 2001, a copy of which is enclosed herewith. While Applicant believes no fee to be due at this time, the Commissioner is authorized to charge any fees, including any extension of time fees, or other relief, as may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-59891-2/RFT/JJD).

**Serial No.:** 09/812,074

**Filed:** March 19, 2001

The paper copy of the Sequence Listing information in this application is identical to the computer readable copy of the Sequence Listing information filed in application Serial No. 09/042,494, filed March 16, 1998 (now U.S. Patent No. 6,255,459). In accordance with 37 C.F.R. 1.821(e), please use the only computer readable form of the sequence information filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

Please direct any calls in connection with this application to the undersigned at (415) 781-1989.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Dated: July 19, 2001

James J. Diehl  
James J. Diehl, Reg. No. 47,527 for  
Richard F. Trecartin, Reg. No. 31,801

Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989